

Open Report on behalf of Debbie Barnes, Director of Children's Services

Report to:	Councillor Mrs P A Bradwell, Executive Councillor for Children's Services and Lifelong Learning
Date:	20 April 2012
Subject:	Proposal to amend the age range from 3-11 years to 4-11 years at Grantham Belton Lane Community Primary School
Decision Reference:	02026
Key decision?	No

Summary:

The proposal under consideration is to amend the age range from 3 - 11 years to 4 - 11 years at Grantham Belton Lane Community Primary School. It is the Local Authority's (LA) statutory duty to maintain a sufficient number of early years places in Lincolnshire. The LA works with the maintained sector and also private, voluntary and independent providers to fulfil this duty. The designated nursery class at the school has been closed for 2 years and the LA believes that the provision of a LA maintained nursery class is no longer necessary at Belton Lane Community Primary School. This proposal will lead to the removal of the nursery class at the school but there will continue to be sufficient early years places in the area to ensure adequate provision and choice for parents in Grantham. This proposal will not affect the existing voluntary child care provider, The Pre-school Learning Alliance, which will continue to operate from the school site as it does now.

The LA, in collaboration with the school governors, is co-ordinating the process following statutory guidelines [see the Department for Education (DfE) guide "Making Changes to a Maintained Mainstream School" in Appendix A] and under the terms of the Education and Inspections Act (EIA) 2006 as updated by the Education Act 2011. Consultation commenced on 3 February 2012 with a seven week period of consultation which closed on 23 March 2012 and is further referred to later in this report in the Consultation section. A summary of written responses received is also attached as Appendix B.

This report advises the Executive Councillor on making a decision regarding the publication of a Statutory Notice, as required by law, to propose the amendment of the age range at Grantham Belton Lane Community Primary School. If the Executive Councillor gives approval to this there will follow a further six weeks Representation Period giving another opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Executive Councillor later this year.

Recommendation(s):

Following the completion of the consultation period, the first phase of the statutory process, the Executive Councillor is recommended to take the next step of publishing a Statutory Notice. This notice will confirm the proposal to amend the age range at Grantham Belton Lane Community Primary School with effect from 1 September 2012 and enable the continuation of the statutory process to the next stage.

Alternatives Considered:

1. That the Statutory Notice is not published and the consultation process is stopped. This would mean that the school would continue as it is currently with an age range of 3 - 11 years and the designated nursery class would have to be re-opened with no pupils likely to attend.

However, the above alternative would have the following disadvantages:

There would be a surplus of early years places in Grantham and the LA would therefore not be complying with its statutory duty within Grantham and the surrounding area of maintaining the sufficiency of early years places.

Under statutory guidelines a prescribed alteration, such as this amendment to the age range, can only be in force for a maximum of two years as a temporary measure before formal proposals are consulted on. As the designated nursery class has been closed for two years the LA must therefore either re-open the nursery class (which as detailed in this report would not be a viable option) or commence consultation on this proposal to avoid being in breach of statutory guidance.

Reasons for Recommendation:

To ensure that the LA meets its statutory duty to maintain a sufficient number of early years places in Lincolnshire.

To ensure that the LA fulfils its statutory duty of publishing a statutory proposal on a prescribed alteration to a school that has been in place for a temporary period of two years.

To ensure that there is not excessive surplus of early years provision as this would not represent the best use of the LA's budget. A surplus of provision would not support the Council's objectives as outlined in Value for Money Principles.

To ensure that the provision of early years places in the locality is sustainable.

To enable the process to continue to the next stage and allow a further opportunity for people and organisations to express their views about the proposal and ensure that they will be taken into account by the Executive

Councillor when the final decision is taken in July 2012.

1. Background

The designated nursery class at the school closed temporarily in September 2010 as it was unsustainable at that time. It was agreed that this would be reviewed after a period of two years. Space on site has already been made available under lease to a voluntary private provider.

Analysis of the sufficiency data shows that there is not the requirement for the school to have a designated nursery class in addition to the provision which is available on site and elsewhere in the locality. Also, the school is not in a position to be able to financially sustain nursery provision without causing an adverse impact on the school as a whole. This proposal will lead to the removal of the nursery class at the school but there will continue to be sufficient early years places in the area to ensure adequate provision and choice for parents in Grantham. This proposal will not affect the existing voluntary child care provider, The Pre-school Learning Alliance, which will continue to operate from the school site as it does now.

2. Conclusion

The LA believes this proposal to be in the best interests of local children and parents. It also enables the LA to fulfil its statutory obligation to maintain a sufficiency of early years places in Lincolnshire.

A decision is required at this stage from the Executive Councillor as to whether to proceed to the publication of a Statutory Notice. The factors to consider in making this decision are within this report and all valid responses received during consultation must be considered. (these responses are summarised in Appendix B)

3. Legal Comments:

The legal issues to be taken into account in the making of this decision, which is within the remit of the Executive Councillor, are fully set out in this report.

4. Resource Comments:

There are no major or immediate financial implications arising from the recommendation in this report. However, if subsequent decisions are made to alter the age range to 4 - 11 years, this is likely to secure more efficient use of the Dedicated Schools Grant and improved value for money.

5. Consultation

In order for the age range to be amended at the school the LA must follow the necessary statutory legal processes as required by the Secretary of State in accordance with the EIA 2006, the Education Act 2011 and the guidance of the DfE as detailed in the attached appendix. (Appendix A)

Under these guidelines the LA must ensure that sufficient time and information are provided for people to understand and form a view on the proposal and make a response. The consultation documentation must set out the problem that is being addressed and invite comment on one or more solutions. The LA must explain the decision making process and take all reasonable steps to draw the consultation to the attention of all those who might be interested and take into account their views.

The Education Act 2002 states the requirement for current pupils to be consulted and this was further extended by subsequent legislation to also include all pre-school children over the age of 3. The Head teacher has consulted with the children currently attending the school by explaining how the proposal may affect their school. The EIA 2006 specifically includes as interested parties the registered parents of registered pupils at the school and also the appropriate District and Parish Councils for the area. The list of interested parties was compiled according to statutory guidelines comprising as wide a range of consultees as practicable and including parents, the Chief Executive of the District Council, the Parish Clerk of the relevant Parish Councils as well as individual councillors as appropriate.

A letter (Appendix C) incorporating relevant information and reasons for the proposal was sent out to interested parties (listed in Appendix D) on 3 February 2012 to commence a seven week period of consultation. There was the opportunity to provide a response to the consultation by letter, email or by returning the response form (Appendix E) attached to the consultation document by 23 March 2012. Copies of the letter commencing consultation and the response form were also published on the County Council website under the webpage Current Consultations on www.lincolnshire.gov.uk/provisionplanning

The written responses received during consultation have been provided to the Executive Councillor for consideration and further details are confirmed in this report in Appendix B. To briefly summarise, however, there were 5 valid responses in total with 2 supporting the proposal, 1 against and 2 expressing views neither in favour nor against the proposal. There was only 1 response from a parent which was against the proposal.

If the Executive Councillor decides to proceed to Statutory Notice, this would initiate a 6 week Representation Period giving a further opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Executive Councillor in July 2012. Under current legislation the LA is the decision maker for the proposal and is co-ordinating the statutory process before making a decision at the end of the process in July 2012. The LA, as decision maker, must be able to show that all relevant issues raised are taken into consideration in the decision making process. Points raised can be considered unpersuasive but must not be ignored altogether.

The last stage of the statutory process would be the implementation of the proposal with the amendment to the age range at Grantham Belton Lane Community Primary School coming into effect from 1 September 2012 if it is decided to proceed.

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

This report has not been considered by a scrutiny committee.

d) Policy Proofing Actions Required

An Equality Impact Assessment (EIA) has been completed and is attached as an appendix to this report (Appendix F)

Apart from its obligations to consider the statutory guidance referred to the Council also has obligations under the Equality Act 2010 which must be taken into account by the Executive Councillor when coming to a decision.

The Council must, in the exercise of its functions, have due regard to the need to:

(1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: s 149(7).

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The Council believes that this proposal will not lead to any discrimination and that in recommending the proposal the Council is having due regard to its obligations under The Equality Act.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	DfE guide "Making Changes to a Maintained Mainstream School"
Appendix B	Summary of written responses to the consultation phase
Appendix C	Letter to commence the consultation process
Appendix D	List of Interested Parties
Appendix E	Consultation Response Form
Appendix F	Equality Impact Assessment (EIA)

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Paul Holmes, who can be contacted on 01522 553366 or paul.holmes@lincolnshire.gov.uk.